

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 1:22-mj-525-DJS)

ISAIAH LAFOE,)

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of September 30, 2020 in the county of Rensselaer in the Northern District of New York the defendant, ISAIAH LAFOE, violated:

Code Section

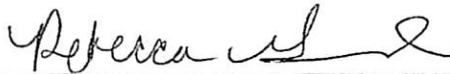
18 U.S.C. § 2252A(a)(2)(A), (b)(1)

Offense Description

Receipt of Child Pornography

This criminal complaint is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.


Complainant's signature

Rebecca Gworek, FBI Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: Sept 14, 2022

*Judge's signature*City and State: Albany, NY

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, **Rebecca Gworek**, being duly sworn, depose and state as follows:

INTRODUCTION

1. I respectfully make this affidavit in support of a criminal complaint charging ISAAH LAFOE, aged 24, of Lancaster, New Hampshire, with Receipt of Child Pornography, in violation of Title 18 United States Code, Section 2252A(a)(2)(A) and (b)(1), in that Lafoe did receive and attempt to receive child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer.

2. I am an investigator with the Federal Bureau of Investigation (FBI) and have been since January 2016. I am assigned full-time to the Albany Division, Albany, N.Y. I have investigated a variety of violent crimes including violent gangs, domestic terrorism, child sexual exploitation and assault. My current duties include investigating criminal violations relating to child exploitation and child pornography, including violations pertaining to the enticement and coercion, as well as production, distribution, receipt, and possession of child pornography. I have gained experience regarding such crimes through training in seminars, classes and everyday work related to conducting these types of investigations. My investigative experience includes interviewing victims and witnesses, as well as conducting searches of physical locations, social media, and electronic devices, as well as use of location information to identify and locate criminals. I have received training in the area of Child Sexual Abuse Material (CSAM) and child exploitation and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media.

3. I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). As an FBI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the exploitation of a minor for sexual purposes in violation of Title 18, United States Code, Section 2252A.

4. The statements contained in this affidavit are based upon my investigation, information provided by other law enforcement officials and on my experience and training as a Special Agent with the FBI. As this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that LAFOE has violated Title 18, United States Code, Section 2252A(a)(2)(A).

PROBABLE CAUSE

5. Between September 2020 and March 2021, Lafoe, aged 22 years old at the time, communicated with a 13-year-old minor female ("Victim-1") via social media applications, text message, phone calls, and video messaging. Via those communications, Lafoe received and attempted to receive child pornography images and videos from Victim-1, in violation of 18 U.S.C. § 2251A(a)(2)(A), as further detailed below.

Victim-1

6. In late February 2021, a 13-year-old girl (Victim-1) and her mother, both residents of Troy, New York, reported to the Troy Police Department that Victim-1 had been coerced into

sending sexually explicit images to an adult male. During interviews with Troy P.D. and later with the FBI, Victim-1 reported that:

- a. In late 2020, Victim-1 discovered an online website, Omegle.¹ Using Omegle, Victim-1 met one individual, later identified as Lafoe, and then befriended and messaged him on another social media application, Snapchat.² According to Victim-1, Lafoe also communicated with her via phone (including FaceTime), Google Duo,³ as well as other video messaging applications such as the social media application, TikTok.⁴
- b. According to Victim-1, when she initially met Lafoe online, he presented himself as being 15 but later informed Victim-1 that he was 19. Victim-1 also informed law enforcement that she told Lafoe that she was 13 years old. Lafoe informed Victim-1 that he wanted to meet her, but they had to wait until Victim-1 was 18 years old.
- c. According to Victim-1, Lafoe told her his name was “Isaiah Lafoe.” During the conversations, Lafoe told Victim-1 that he resided in New Hampshire at an undisclosed address.

¹ Omegle is a free online chat website that allows users to socialize with others by randomly pairing users in one-on-one chat sessions where they chat anonymously.

² Snapchat is an instant messaging app and service owned and controlled by Snap, Inc. that permits users to send and receive pictures, videos, and messages are usually only available for a short time before they become inaccessible to their recipients.

³ Google Duo is a voice over IP (VoIP) and videotelephony service that lets users make and receive one-to-one and group audio and video calls with other users and can be used either with a phone number or an email account, allowing users to call someone from their contact list.

⁴ TikTok is an instant messaging app and short-form video hosting service that permits users to send and receive pictures, videos, and messages.

- d. Victim-1 also provided a description of Lafoe matching the description known to law enforcement for Lafoe by describing Lafoe as a white male with facial hair and a tattoo on his left arm with his grandmother's name. An image was shown to Victim-1 of LaFoe, which Victim-1 positively identified as Lafoe and was the same male she had been video chatting, texting, and communicating with and was the same male who had asked her for and that she sent sexually explicit and lascivious images.⁵
- e. When asked about the images she created and sent to Lafoe, Victim-1 reported that Lafoe "roped" her into making the images and promised not to show anyone else. Initially, Victim-1 sent images of herself in outfits, and then, after Lafoe made her more comfortable, she sent images of her breasts and vagina. Victim-1 started with still photographs and then transitioned to videos. The videos were made with her phone and sent via Snapchat and TikTok.
- f. When asked about the progression of the production of the videos, Victim-1 reported that Lafoe asked for more and more photos and stated that she trusted him. Victim-1 reported that some of the videos depicted Victim-1 masturbating and doing whatever made Lafoe feel good. Victim-1 also confirmed that she had used an object in her vagina to masturbate and sent the video to Lafoe. Victim-1 reported feeling disgusted after making the videos.

⁵ The image shown to Victim-1 is available for the Court's review upon request.

- g. Victim-1 told Lafoe she lived in Albany, New York during their conversations and her location was visible in her online profiles as being in Troy, New York. Victim-1 reported that all of the videos and images she created for Lafoe were produced in Troy, New York at her house.
- h. Victim-1 reported that she communicated with Lafoe via phone and he was using phone number XXX-XXX-2010 (the “Target Cell Phone -2010”).⁶

7. Victim-1 and her mother consented to the search of Victim-1’s phone, which was subsequently extracted and reviewed by law enforcement and found to contain child pornography of Victim-1. Metadata associated with the images confirm that the child pornography images and videos were taken with the same make and model device as Victim-1’s phone, an LG model LM-X320PM smartphone, manufactured in China. Victim-1 stated all of the child pornography images and videos on her phone were produced at Lafoe’s request and sent to him via Snapchat, TikTok, or other social media application. Below are descriptions of one image and three videos, among others, found in the files on Victim-1’s phone, all of which are available for the Court’s review upon request:

- a. An image with file name IMG-20201027-WA0008.jpg depicting a close-up of Victim-1 with her legs spread and the focal point as Victim-1’s vagina. The metadata associated with the video file shows that it was created on or about October 27, 2020.

⁶ Records from Verizon Wireless show that the Target Cell Phone -2010 has a listed subscriber with an address in Lancaster, New Hampshire.

- b. A video with MD5 hash value 7007584d771f2216e2b416c64a61e735, lasting 9 seconds, depicting Victim-1 with her legs spread and the focal point as Victim-1's vagina, and showing Victim-1 inserting her fingers into her vagina to masturbate. The metadata associated with the video file shows that it was created on or about October 5, 2020 and has a file path associated with Snapchat.
- c. A video with file name 1605005528172.mp4, lasting 58 seconds, depicting Victim-1 with her legs spread and the focal point as Victim-1's vagina, and showing Victim-1 inserting the handle of hairbrush into her vagina to masturbate. The metadata associated with the video file shows that it was created on or about November 21, 2020.
- d. A video with file name 1613008418365.mp4, lasting 13 seconds, depicting Victim-1 with her legs spread and the focal point as Victim-1's vagina, and showing Victim-1 inserting an object into her vagina to masturbate. The metadata associated with the video file shows that it was created on or about February 10, 2021.

8. The extracted data from Victim-1's phone also showed that the phone contained 18 installed applications, including Omegle, Snapchat, TikTok, and Google Duo; a contact name "My Bff" with username "i_lafoe20," which was added on September 30, 2020; and a contact name "BD" associated with the phone's numbers XXX-XXX-3620 ("Target Phone -3620"), and XXX-XXX-2010 (the "Target Phone -2010"). Victim-1's phone also had at least three images showing a split-screen screenshot of a video chat message, including an image matching the

description of Lafoe on the left and an image of Victim-1 standing nude and pouring an unknown white liquid onto her chest. The image's metadata shows that the image was created on or about November 15, 2020.

9. Victim-1's phone also contained several video files of Lafoe, including a video file with file name 2fde823d-1437-4873-a2a5-11fb74eecbc3.mp4 showing Lafoe's face and matching his description, laying nude on a bed, stating "Look at what you're missing pendeja"⁷ and then showing Lafoe's penis and semen on Lafoe's on his chest and torso. The metadata associated with the above video file shows that it was created on or about November 8, 2020.

10. Victim-1's phone also contained electronic text communications between Victim-1 and Target Phone -7922, including the following text message exchange on September 30, 2020:

Sender	Date	Message
Victim-1	9/30/2020 2:11:57 AM(UTC-4)	I have something to tell you something
Victim-1	9/30/2020 2:15:59 AM(UTC-4)	Im 16 but i thought you was so hot and i lied so i can be with you
Target Phone - 3620	9/30/2020 2:27:33 AM(UTC-4)	So you still can be with me
Victim-1	9/30/2020 2:29:09 AM(UTC-4)	Yes
Target Phone - 3620	9/30/2020 2:29:34 AM(UTC-4)	Your mom said it's fine
Target Phone - 3620	9/30/2020 2:31:14 AM(UTC-4)	You going to wait till you turn 18 to say something
Target Phone - 3620	9/30/2020 2:32:16 AM(UTC-4)	So you not going to say nothing till you 18 and you a virgin
Target Phone - 3620	9/30/2020 2:34:29 AM(UTC-4)	When you lost your virginity

⁷ I understand that "pendeja" is a mildly vulgar insult for "asshole" or "idiot" in Spanish.

Target Phone - 3620	9/30/2020 3:02:30 AM(UTC-4)	Or I will fuck you so good and before I cum I will cum in your mouth
Target Phone - 3620	9/30/2020 3:03:48 AM(UTC-4)	You gonna swallow it too
Target Phone - 3620	9/30/2020 3:44:37 AM(UTC-4)	Baby I said I have you to help me cum
Target Phone - 3620	9/30/2020 3:45:49 AM(UTC-4)	i_lafoe20

11. Victim-1's phone also contained electronic Snapchat communications between Victim-1 and Snapchat user "i_lafoe20,"⁸ including a Snapchat message on September 30, 2020 with Snapchat user i_lafoe20 stating as follows:

Sender	Date & Time	Message
i_lafoe20	9/30/2020 3:52:26 AM (UTC-4)	Hey baby
Victim-1	9/30/2020 3:52:46 AM (UTC-4)	Hi daddy
i_lafoe20	9/30/2020 3:56:01 AM(UTC-4)	Baby send me a pussy pic
i_lafoe20	9/30/2020 3:58:40 AM(UTC-4)	Pop a tit and take a pic

12. Victim-1 also had the following correspondence with Snapchat user i_lafoe20 on October 5, 2020, which in my training and experience indicates that Lafoe received images and videos from Victim-1, which may have included the video depicting child pornography listed in Paragraph 7.b above that was created on or about October 5, 2020:

Sender	Date & Time	Message
Victim-1	10/5/2020 5:52:52 PM (UTC-4)	Bae i have something for you
Victim-1	10/5/2020	So u like wat i can do

⁸ Snap, Inc. records show that a Snapchat account with username "i_lafoe20" was created on September 4 with display name "Isaiah Lafoe." A phone number XXX-XXX-7922 ("Target Phone -7922") was listed under the account and as of July 2022, the account remained active.

	6:17:37 PM (UTC-4)	
i_lafoe20	10/5/2020 6:19:23 PM (UTC-4)	Hell yeah
Victim-1	10/5/2020 6:19:53 PM (UTC-4)	Will that all for you

13. Victim-1's phone also contained electronic text communications between Victim-1 and Target Phone -3620 on November 15, 2020:

Sender	Date	Message
Target Phone - 3620	11/15/2020 7:17:09 PM (UTC-5)	Suck em tits real good
Target Phone - 3620	11/15/2020 7:17:47 PM(UTC-5)	Do it or else
Target Phone - 3620	11/15/2020 7:22:56 PM(UTC-5)	Suck em real good if you don't I will date your friend
Victim-1	11/15/2020 7:23:30 PM(UTC-5)	Ok daddy
Target Phone - 3620	11/15/2020 7:25:20 PM(UTC-5)	Make your daddy proud and cum
Target Phone - 3620	11/15/2020 7:27:26 PM(UTC-5)	Now fuck yourself

14. Call records from Victim-1's phone also show 12 calls between Victim-1's phone and Target Cell Phone -2010 between December 12, 2020, and February 15, 2021.

15. Records from the New Hampshire Department of Motor Vehicles show that Isaiah Lafoe has a driver's license with the Lancaster Residence.

16. On September 1, 2022, physical surveillance was conducted in the vicinity of the Lancaster Residence. During surveillance, agents observed Lafoe entering and exiting the Lancaster Residence via a white door on the right side of the residence.

17. On September 9, 2022, a U.S. Magistrate Judge in the District of New Hampshire issued a federal warrant authorizing the search of the Lancaster Residence, the person of Isaiah Lafoe, and any electronic devices contained therein. FBI Special Agents and Task Force Officers

executed the search warrant at the Lancaster Residence on September 14, 2022. The collection of evidence, including any electronic devices contained therein, is ongoing.

18. On September 14, 2022, LAFOE consented to a voluntary non-custodial interview. During the interview, LAFOE admitted that he lived at the Lancaster Residence; that he used the Target Phone -3620, Target Phone -2010, and Target Phone -7922 and various social media applications including Xbox, Google Duo, Snapchat, and TikTok, among others, on his phones; that he used a Snapchat account under username i_lafoe20, among others; that he met Victim-1 online and communicated with her in 2020 via phone and social media; and that he knew she was a minor under 14 years old when he communicated with her. When shown various images of child pornography retrieved from Victim-1's phone, Lafoe admitted that he received those images and videos of child pornography from Victim-1 through social media and his phone, including on September 30, 2020 when he sent her a message saying, "Baby send me a pussy pic."

19. Lafoe later provided a signed, written statement in which he stated the following in relevant part: "The next girl I messed with was named [Victim-1]. She initially lied to me when we first started talking on Monkey and told me she was eighteen. I could tell within a couple days that she was younger and she then admitted that she was thirteen. We then sent each other naked pictures and I asked her to send me certain naked pictures of her boobs or vagina and I asked her to send me videos of herself masturbating or touching herself." He also stated, "I know what I did was wrong as the girls I was involved with were too young for me. I sincerely regret my actions and hope that they and their families can forgive me and that I can get help."

CONCLUSION

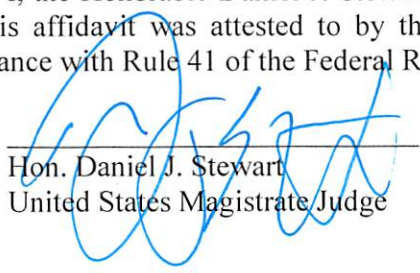
20. Based on the above information, I believe that there is probable cause to believe that ISAIAH LAFOE has violated Title 18, United States Code, Sections 2252A(a)(2)(A), and (b)(1), which prohibits knowingly receiving or attempting to receive child pornography that has been transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer. I respectfully request that a criminal complaint be issued pursuant to this violation of federal law.

Attested to by the Affiant:



Rebecca Gworek
Special Agent
Federal Bureau of Investigation

I, the Honorable Daniel J. Stewart, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on September 14, 2022 in accordance with Rule 41 of the Federal Rules of Criminal Procedure.



Hon. Daniel J. Stewart
United States Magistrate Judge